

LORDS AMENDMENTS

TO THE

IRISH LAND BILL.

[NOTE.—*The page and line refer to Bill (170) as first printed by the Lords.*]

Page 1.

Line 10, after ("aforesaid") insert ("Provided that if any
" person interested in the estate makes application to the
" Land Commission in the prescribed manner, the order
" sanctioning the advance shall set forth the specific grounds
" for dealing with the case under this sub-section instead of
" under the foregoing provisions of this section")

Page 2.

Line 23, leave out ("and adjacent to or in the neighbourhood
" of the estate")
Line 40, leave out ("to the vendor")
Line 41, leave out ("the") and insert ("a")
Line 42, after ("application") insert ("within the prescribed
" time")

Page 4.

Line 5, after ("it") insert—

(5) If the owner of any demesne or other land subject to settlement and sold to the Land Commission does not repurchase the same within the prescribed time, the Land Commission may make an advance under this section to the trustees of the settlement and in such case the land resold shall be held subject to the trusts of the settlement.

(6) Any land resold in pursuance of this section shall not be subject to the provisions of the Local Registration of Title (Ireland) Act, 1891, relating to the devolution of freehold registered land.

[Bill 322.]

A

Page 5.

Line 5, after ("Commission") insert ("with the consent of
" the owner ")

Page 7.

Line 16, leave out ("the foregoing provisions") and insert
(" sub-section (1) of section one ")

Page 8.

Line 3, leave out ("the exclusive ")

Line 4, after the first ("rights") insert ("exclusive of the
tenant ")

Leave out (" landlord ") and insert (" vendor ")

Line 5, leave out the first (" tenant ") and insert (" purchaser ")
and leave out the second ("tenant ") and insert (" pur-
chaser ")

Line 6, leave out (" landlord ") and insert (" vendor ") and
also insert the following sub-section :—

(2) In default of any agreement between the tenant and the
vendor, all sporting rights shall go to and be vested in the
Land Commission and the Land Commission may deal with the
same subject to any rules which may be made by the Lord
Lieutenant.

Line 8, after ("land") insert ("and the expression ('game')
" has the same meaning as in section five of the Act of
" 1881, and also includes deer ")

Line 13, after (" on ") insert (" or under ")

Line 20, after (" day ") insert (" Provided also, that where any
" such right reserved to the Land Commission under this
" sub-section is at any time hereafter let, leased, sold, or
" demised by them, the vendor (or the person who would
" have been entitled thereto if the lands had not been sold)
" shall be entitled to receive twenty-five per cent. of any
" rent, purchase money, or other net profit received by the
" Land Commission in respect of same, unless the Land
" Commission shall have purchased from the person entitled
" to such percentage his interest therein, and the Land
" Commission may purchase such interest at any time on
" such terms as may be sanctioned by the Treasury ")

Lines 22 and 23, leave out (" disposed of or ")

Line 28, after (" thereby ") insert the following sub-section :—

(6) Any person authorised by or in pursuance of the last
preceding sub-section to enter upon land for the purpose of

Page 8.

exercising a sporting right shall have the same authority to prosecute for trespass in pursuit of game or fish as if he were the owner of that land.

Line 36, after (" Commissioners ") insert the following sub-section :—

(2) Where those Commissioners refuse to consent to the vesting of any such monument in them, the Land Commission may, with the consent of the council of the county within which the monument is situate, make an order vesting the monument in that council, and sub-section (2) of section nineteen of the Local Government (Ireland) Act, 1898, shall thereupon apply.

Page 9.

Line 25, after Acts insert (" to tenants ")

Page 11.

Line 4, after (" person ") insert (" not under disability ")

Line 13, after (" 1896 ") insert (" which interest shall be at a
" rate not less than three and a half per cent. per annum ")

Page 12.

Line 3, leave out (" had ") and insert (" have ")

Line 6, leave out (" of ") and insert (" mentioned in ")

Page 13.

Line 9, leave out from (" mentioned ") to end of the sub-section, and insert :—

Any question of law may, if the Estates Commissioners think fit, and shall on the application of any person interested be referred for the decision of a Judicial Commissioner, unless the Estates Commissioners certify in writing that the application is frivolous.

(2) Any person aggrieved by any refusal of the Commissioners so to refer any such question may, in the manner prescribed by rules of court and within the time prescribed by the Judicial Commissioner, apply to the High Court, or any judge thereof, for an order requiring the Commissioners so to refer the question, and the decision of the High Court or judge upon any such application shall be final.

[322.]

A 2

Page 14.

Line 13, leave out ("agents or solicitors") and insert ("land agents, solicitors, or land clerks")

Line 15, after ("nomination") insert ("may be negotiated")

Line 19, after ("Commission") insert the following sub-section:—

(12) Where in the case of the sale of an estate to persons other than the Land Commission an agent has been employed by the vendor to negotiate the sale, such sum as may be sanctioned by the Estates Commissioners may, with the consent of such vendor, be paid to that agent out of the purchase money as part of the costs connected with the sale.

Page 15.

Line 14, leave out ("or order as the case may be") and insert ("for sale")

Line 17, leave out ("Estates Commissioners") and insert ("Land Commission")

Line 19, after ("money") insert the following sub-section:—

For the purpose of giving effect to this enactment the Land Commission may, if they think fit, in the case of a terminable charge, satisfy the same by the investment in any securities in which trustees are by law authorised to invest trust money of a capital sum the annual income of which will be sufficient to satisfy the annual amount of the charge.

Page 16.

Line 30, after ("prescribed") insert ("as if purchase money
" distributable under this section were money paid or
" deposited under those sections")

Line 37, leave out ("the") and insert ("a")

Line 38, after ("appeal") insert ("or any question other than one of law")

Page 17.

Lines 4 and 5, leave out ("making a claim upon") and insert ("whose claim has been so attached to")

Line 11, after the § first ("payable") insert ("out of the
" purchase money, or recoverable under any agreement or
" covenant")

Line 13, after ("advances") insert:—

Provided that in case of the sale of an estate under the Land Purchase Acts any charge or incumbrance thereon may be paid

Page 17.

off notwithstanding any direction, proviso, or covenant contained in any deed or other instrument to the contrary :

Provided that this sub-section shall not apply in any case where the Land Commission are satisfied that it is not owing to any act or default of such person that his title is not established and the amount of his claim invested as aforesaid.

At end of line 23, after ("Act") insert the following sub-section :—

(4) Notwithstanding anything in this section any vendor or incumbrancer may apply to the court to invest the purchase money, pending distribution, in any of the securities from time to time authorised by law for the investment of trust funds.

And also insert the following clause :—

Where a person who would otherwise be entitled to sell land under the Land Purchase Acts is a lunatic, the Lord Chancellor may order the land to be sold as if the sale was required for one of the purposes mentioned in section sixty-three of the Lunacy Regulation (Ireland) Act, 1871, and that section shall apply accordingly.

*Sale of
lunatic's
estate
34 & 35 Vict.
c. 22.*

Line 39, after ("equal") insert ("half yearly or")

Page 19.

Line 28, leave out ("in so far as any") and insert ("where")

Line 29, leave out ("to purchasers to be repaid by means of
" purchase annuities ")

Line 41, leave out (" purchase of the land ") and insert (" vesting
" of land in the Commission ")

Page 20.

Lines 17 and 25, leave out ("repayable by means of purchase
" annuities ") and insert ("on which such ten shillings per
" cent. is payable by the Land Commission ")

Page 21.

Line 3, leave out (" eight ") and insert (" seven ")

Line 36, after ("made") insert ("and may only be varied")

Page 22.

Line 27, after (" Commission ") insert (" direct the ")

Line 28, after (" 1891 ") insert (" of ")

Page 23.

Line 29, after ("repaid") insert ("in the manner and at the
" time prescribed by the Treasury")

Page 24.

Line 36, after ("thereof") insert ("or where the percentage is
" payable in respect of an estate sold by the Land Judge")

Page 25.

Line 9, leave out ("either a receiver has been appointed over
" the estate or")

Line 11, after ("price") insert ("or to an estate so circum-
" stanced in respect of which an absolute order for sale by
" the Land Judge was in force at the date of the passing of
" this Act")

Line 32, after ("in") insert—

"(a) Bonds, debentures, or mortgages secured upon rates or
taxes levied under the authority of any Act of Parliament
or Provisional Order by any municipal corporation or
other local authority in the United Kingdom which shall
be authorised to borrow on such security;

"(b) Ground rents arising out of hereditaments in the
United Kingdom, and not exceeding in amount one-fourth
part of the annual value at a rackrent of the premises
out of which such ground rents issue;

"(c) Debentures or mortgages of railway companies in the
United Kingdom incorporated by Act of Parliament;

"(d) Stocks or shares of any tramway or light railway
interest upon which is guaranteed from or charged upon
under the Tramways (Ireland) Acts;]

"(e) Bonds, debentures, or mortgages secured upon any
investments in which trustees are authorised by this or
any other Act to investment funds;

"(f) Debentures or fully-paid shares or stocks of any
railway."

Provided that the sufficiency of any such investments to realise
the sum invested therein upon the death of the tenant for life or
the termination of the trust, shall be secured to the satisfaction of
the public trustees under this Act.

Page 26.

Line 3, after ("section") insert—

(a), In the case of all proceedings in relation to any lands sold
under the Land Purchase Acts, or any charges thereon, or any

Page 26.

moneys realised thereby, if it appears to the court that a trustee is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee, either wholly or partly, from personal liability for the same.

Lines 39 and 40, leave out ("by the Lord Lieutenant")

Page 27.

Line 11, after ("require") insert the following sub-section:—

(14) The powers conferred on the Land Commission by the foregoing provisions of this section may be exercised by the Land Judge in any case where the purchase money of land sold under the Land Purchase Acts is or has been distributed by him, and those provisions shall apply accordingly with the substitution of the Land Judge for the Land Commission.

Line 12, after ("by") insert ("the Land Judge and")

Line 28, leave out from ("that") to the first ("in") in line 32.

Line 34, after ("county") insert ("the said limitation may, subject to the other limitations in the Land Purchase Acts, be exceeded where the Land Commission consider that a larger advance may be sanctioned to any purchaser without prejudice to the wants and circumstances of other persons residing in the neighbourhood")

Page 28.

Lines 3 and 4, leave out ("under the circumstances aforesaid") and insert ("where the Land Commission consider it expedient under the circumstances mentioned in the preceding sub-section")

Line 25, after ("after") insert ("they become aware of")

Line 34, after ("otherwise") insert the following sub-section:—

(2) Not more than one person shall, without the consent of the Land Commission, be registered as the owner of the holding under Part IV. of the Local Registration of Title (Ireland) Act, 1891.

Line 40, after ("holding") insert ("or part thereof")

Line 41, after ("holding") insert ("or part")

Page 29.

- Line 2, after ("part") insert ("the consent of the Land Commission under this enactment may, in the case of a charge created by a will, be given at any time whether before or after the death of the testator")
- Line 3, leave out ("a holding") and insert ("the holding executed after the commencement of this Act")
- Line 7, after (chargeant") insert ("or, in the case of a charge created by a will or codicil, within six months from the death of the testator")
- Line 12, leave out ("whether")
- Line 13, after ("instance") insert ("or with the consent") and leave out ("or at the suit of an incumbrancer")
- Line 14, after ("sold") insert ("subject to the purchase annuity (if any) and any charge under any Public Works Acts, but"; and after ("all") insert ("other")
- Line 15, leave out from ("incumbrances") to ("of") in line 16.
- Line 24, leave out ("require") and insert ("request to be furnished with")
- Line 26, leave out ("charged with an annual sum payable in respect of") and insert ("in respect of which")
- Line 27, after ("Acts") insert ("has been made")

Page 31.

After Clause 58, insert the following clause:—

(1) Where, in the course of proceedings for the sale under the Landed Estates Court (Ireland) Act, 1858, or the Land Purchase Acts, of an estate it appears that the owner or any tenants of holdings on the estate are in occupation of portions of an adjoining estate, and that the owner or any tenants of holdings on the adjoining estate are in occupation of portions of the first-mentioned estate, whether such exchange of occupation is the result of an agreement or is occasioned by the alteration of the course of a stream, or otherwise, the Land Judge or the Judicial Commissioner, as the case may be, may, if he thinks it expedient, with the consent of the owners of the respective estates, make an order ratifying the exchange, and the order or a map or plan annexed thereto shall show the lands given and taken in exchange respectively.

(2) The land taken upon any such exchange shall be deemed to be held by the same tenure, and shall, without any conveyance

Power to
ratify ex-
change of
land in
certain cases.
21 & 22 Vict.
c. 49.

Page 31.

or other assurance in relation thereto, go and enure to and upon the same uses and trusts and be subject to the same rents, conditions, charges, and incumbrances, as the land given upon such exchange would have stood limited upon and been subject to if the Order had not been made; and the land given upon such exchange shall be deemed to be held by the same tenure, and shall without any conveyance or other assurance in relation thereto, go and enure to and upon the same uses and trusts and be subject to the same rents, conditions, charges, and incumbrances as the land taken upon such exchange would have stood limited upon and been subject to if the Order had not been made.

(3) All rights and remedies for recovery of rents payable in respect of either portions of the lands so exchanged shall be exerciseable in respect of, and may be pursued against, the lands given or taken upon such exchange, as the case may be, in the same manner as they might theretofore have been exercised or pursued against the lands originally liable thereto.

Page 32.

Line 18, leave out ("the") and insert ("a")

Line 36, after ("balance") insert the following sub-sections:—

(3) Where in the like case the court is satisfied that the land sold is entitled to be indemnified against any claim in respect of a superior interest by other lands, and that the other lands are a sufficient security therefor, the court may, upon such terms (if any) and in such manner as appears equitable, exclusively charge the whole of the superior interest upon the other lands.

(4) The foregoing provisions of this section shall apply with the necessary modifications, to any superior interest or portion thereof affecting the land sold, or to the redemption money of such interest or portion, as if the same were land sold.

Page 33.

Lines 12 to 14, leave out sub-section (3)

Line 17, leave out ("therein mentioned") and insert ("of a
"superior interest")

Line 22, leave out ("for the non-payment of any sum due to
"them")

[322.]

B

Page 34.

Line 6, after ("deposit") insert the following sub-section:—

(3) Where any land upon which portion of a purchase annuity has been charged by the Land Commission is conveyed to the proprietor of a holding subject to a purchase annuity, that holding and the land so conveyed shall be deemed one holding, and the said annuity and portion shall be payable in such manner and subject to such conditions as may be prescribed.

Line 42, after ("may") insert ("on the application of any
" person interested or without such application with the
" consent of the Lord Chancellor") and leave out ("such
" authority and") and insert ("the Judicial Commissioner
" if he thinks fit")

Page 35.

Line 17, after ("cent.") insert ("per annum")

Line 40, after ("the") insert ("trustees of the")

Page 36.

Line 18, after ("less") insert the following sub-section:—

(2) Sub-section (4) of section three of this Act shall apply in the case of any land in respect of which an advance is made in pursuance of this section.

Line 35, after ("cutting") insert ("or making")

Page 38.

Line 2, after ("Board") insert ("in lieu of the member of
" the Land Commission nominated under sub-section one
" of section thirty-four of the Act of 1891")

And also insert the following clause:—

Section eighteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, which makes provision with respect to congested districts counties, is hereby repealed.

Line 36, leave out ("any") and insert ("subject to the
" provisions of this Act any")

Line 38, leave out ("appeal") and insert ("apply for a
" re-hearing")

Page 39.

Line 5, after ("assessor") insert ("who shall hear the evidence
" and inspect the holding, and report thereon to the Judicial
" Commissioner")

Page 39.

Lines 6 to 8, leave out sub-section (3)

Line 9, after ("appeal") insert ("or on any re-hearing (except
" in cases where the valuation does not exceed twenty
" pounds) ")

Line 10, after ("which") insert ("could have been but")

Lines 12 and 15, after ("Commissioner") insert ("who hears
" the Appeal")

Line 20, after ("made") insert ("by the Judicial Commis-
" sioners with the approval of the Lord Chancellor")

Line 22, leave out from ("re-hearings") to the end of the
" clause, and insert ("and those rules shall, among other
" things, provide for an ad valorem scale of fees to be paid
" on notices of appeal or re-hearing")

Line 24, leave out ("Land Commission") and insert
("Judicial Commissioner")

Leave out Clause 87.

Page 40.

Line 17, after ("reason") insert ("solely")

Line 19, leave out ("judicially") and insert ("in the absence
" of other provision")

Line 22, after ("apply") insert ("as from the commencement
" of this Act")

Line 30, after ("1881") insert ("or under that section")

Line 38, leave out ("the representation") and insert ("any
" representation under the Labourers (Ireland) Acts, 1883
" to 1896, affecting him")

Page 41.

Line 30, leave out ("must either be") and insert ("is
" either")

Line 31, leave out ("be") and insert ("is")

Page 42.

Line 6, leave out from ("Commission") to ("the") in line 8,
and insert ("in the manner directed by sub-section (6) of
" section twenty-nine of the Act of 1891")

The expression "demesne" includes any mansion house or
other buildings thereon.

Page 42.

The expression "vesting order" includes fiat.

Line 84, after ("Act") insert ("or enactment") and after
("amending") insert ("applying")

Page 41.

Line 23, after the first ("three") insert ("in sub-section one
" of section thirty-four, from 'a member' to 'forestry'
" and the words 'the Chief Secretary when absent shall
" be replaced by the Under Secretary to the Lord
" 'Lieutenant.'")

LORDS AMENDMENTS

TO THE

IRISH LAND BILL.

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[Bill 829.]